

UNOFFICIAL COPY

13288

IN THE CIRCUIT COURT OF COOK COUNTY

SYLVESTER KOZYRA,)
)
 PLAINTIFF,)
)
 VS.)
)
 ANNA RYSZ, JANUSZ KACZOR,)
 KRZYSZTOF REDLINSKI, MARZENA)
 BRZAKALA, and BARTLOMIEJ BRZAKALA,)
 AND ELIZABETH PLONOSKI,)
)
 DEFENDANTS.)

08CH05325

No.



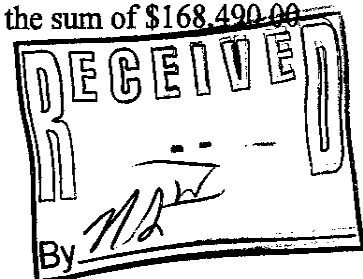
Doc#: 0804203037 Fee: \$21.00
 Eugene "Gene" Moore RHSP Fee: \$10.00
 Cook County Recorder of Deeds
 Date: 02/11/2008 03:12 PM Pg: 1 of 7

COMPLAINT TO FORECLOSE MECHANIC'S LIEN

NOW COMES, PLAINTIFF, SYLVESTER KOZYRA, by his attorney ROBERT D. GORDON, and complaints of the following Defendants, ANNA RYSZ, JANUSZ KACZOR, KRZYSZTOF REDLINSKI, MARZENA BRZAKALA, BARTLOMIEJ BRZAKALA and ELIZABETH PLONOSKI:

I.- That on or about March 28, 2007, Plaintiff made an oral contract with knowledge of the owners property located at 3714-16 W. Wrightwood, Chicago, Illinois to the following work:

Remove the garbage from the basement of 3416 & 34116 to garage, install subflooring in Units 3716-3F and 3716-3R, remove rafters from Units 3716-3F and 3716-R and install new rafters, frame Units 3716-3F and 3716-3R, install joists in Unit 3714-3R, install subflooring in the common elements of the 2nd and 3rd floor hallways, frame the hallway in Units 3714-3F and 3714-3R, hoist the drywall (80 pieces) for installation in the 2nd and 3rd hallways, build and paint a concrete wall at the rear of the building, install wood and granite tiles on the 2nd and 3rd floor baseboard and quarter rounds and paint, install all doors in each unit -14 entry doors, install window treatments (about 40 blinds), install subflooring in the front entrance, frame and finish as extra room off the entry, patch, prep, and paint the front stairwell, frame Unit 3716-1F, install vinyl windows in each unit (Units 3714-1R, 3714-2R, 3714-3R, 3716-1F, 3716-2F, 3716-3F, 3716-1R, 3716-2R, 3716-3R about 30 windows), install 6 balcony sliding doors in rear units, install joist, level and install subfloor in the basement Units 3716-1F and 3716-1R, demolish garage and remove and install bricks in basement, deliver and install gutters and downspouts, lift drywall to all units and install, reframe tub area after plumbing in Units 3716-2F and 3716-2R, frame kitchens Units 3716-1R, 3716-2R, 3716-3R, dig trench for electrical service from pole to building (50 feet long and 2 feet deep), for the sum of \$168,490.00



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- 2.- That on November 25, 2007, the lien claimant finished all work required to be done by said contract.
- 3.- That the owners are entitled to receive credits on account of the above in the sum of \$85,000.00
- 4.- That the balance due and owing to the lien claimant is the sum of \$83,490.00, for which amount the lien claimant hereby claims a Mechanics Lien on said premises, land, and improvements.
- 5.- Said labor was performed on the Property and said materials were incorporated into the Property and became permanent and valuable additions thereto.
- 6.- That the legal description of the property is as per attached as Exhibit "A".
- 7.- Plaintiff has repeatedly requested Defendants to pay the outstanding balance as due it under the contract. Defendants have refused to pay Plaintiff, and as a consequence, said balance remains unpaid.
- 8.- Pursuant to 770 ILCS 60/1 Plaintiff is entitled to and does claim a mechanic's lien on the property described herein.
- 9.- On December 20, 2007, Plaintiff recorded its Claim for Mechanic's Lien with the Cook County Recorder of Deeds, s Document No. 07354466041. A true copy and correct copy of Plaintiff's recorded claim is attached hereto as Exhibit "A".
- 10.- In addition to the persons described herein, there are other persons who are interested in this action and who have or claim some right, title, interest, or lien in, to or upon the Property, or some part thereof. The name of each such other person is unknown to Plaintiff and upon diligent inquiry cannot be ascertained, and all such persons are therefore made parties defendant to this action by the name and description of UNKNOWN OWNERS, and their interest, if any, is subject, subordinate, and inferior to Plaintiff's Mechanic's Lien.
- 11.- In addition to the persons described herein, there are other persons who have or claim to have an interest in or upon the property which is not disclosed of by record, by recorded notice or proceeding which would given constructive notice, as owners, heirs, devisees, assignees, contractors, subcontractors, and other lien claimants. The name or names of these other persons are unknown to Plaintiff and all such persons are made parties to this action by the name and description of NON-RECORDED CLAIMANTS.
- 12.- Defendant's own various units in the property.

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WHEREFORE, PLAINTIFF, PRAYS as follows:

- (i) That an accounting be taken for the purpose of determining the amount due to Plaintiff for whatever sum shall be found due to it, but not less than ~~\$3,490.00~~ plus, including statutory interest of 10% from November 25, 2007; RDG
\$83,490.00
- (ii) That Plaintiff decreed to have a first and proper lien, paramount and superior to all other liens, upon the Property described herein;
- (iii) That a receiver be appointed for the said real estate to collect the rents, issues and profits therefrom;
- (iv) That in default of payment of the sum found due to Plaintiff, said property and premises be sold to satisfy said sum, including interest and costs, and including the charges, costs and expenses of such sale;
- (v) That Plaintiff be awarded recovery of its attorney fees pursuant to 770 ILCS 60/17;
- (vi) That in the case of sale and failure to redeem therefrom within the time allowed by law, all parties to this action and persons claimed by, through, or under them, may be forever barred and foreclosed from and of all rights and interest in and to said real estate, including equity of redemption;
- (vii) That in case of sale and failure to redeem therefrom within the time allowed by law, a deed may be issued to the purchaser of such sale, or his assigns, and upon the issuance of said deed, grantee therein may be let into immediate possession;
- (viii) That in case the proceeds of such sale be insufficient to pay the full amount due to Plaintiff, including interest, cost, and attorney fees, and including the charges, costs and expenses of such sale, a deficiency decree may be entered against such of the Defendants as may be found personally liable to pay the same, and that execution issues thereon, and
- (ix) For all other relief as this Court deems just and equitable.

ROBERT D. GORDON

**ROBERT D. GORDON
ATTORNEY FOR PLAINTIFF
105 W. MADISON, SUITE 1002
CHICAGO, IL 60602
312-236-0688
#43989**

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Lots 12 and 13 in Beck's addition to Logan Square, a subdivision of Lots 1 to 6 in the Subdivision of Lot 4 in Kimball's Subdivision of the East 1/2 of the South West 1/4 and the West 1/2 of the South East 1/4 of Section 26, Township 40 North, Range 13, East of the Third Principal Meridian, (except 25 acres in the North West corner) in Cook County, Illinois (underlying legal description)

PPIN: 13-26-312-03-2-0000 (underlying pin#)

Units 3714-1F, 3714-1R, 3716-1F, 3716-1R, 3714-2F, 3714-2R, 3716-2F, 3716-2R, 3714-3F, 3714-3R, 3716-3F, and 3716-3R together with their undivided percentage interests in the common elements in 3714-16 Wrightwood Condominium as delineated and defined in the Declaration recorded as document 0633215036, in the East 1/2 of the South West 1/4 and the West 1/2 of the South East 1/4 of Section 26, Township 40 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois -

PPINs: 13-26-312-039-1001

13-26-312-039-1002

13-26-312-039-1003

13-26-312-039-1004

13-26-312-039-1005

13-26-312-039-1006

13-26-312-039-1007

13-26-312-039-1008

13-26-312-039-1009

13-26-312-039-1010

13-26-312-039-1011

13-26-312-039-1012

Exhibit 4A

Address(es) of member sec.

3714 - 16 W. WILBERT ROAD, CHICAGO, ILLINOIS 60647

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Exhibit "B"

2984
ORIGINAL
CONTRACTOR'S
CLAIM FOR LIEN



Doc#: 0735446041 Fee: \$18.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/20/2007 12:38 PM Pg: 1 of 3

Above Space for Recorder's Use Only

STATE OF ILLINOIS)
)
) SS.
COUNTY OF)

3

The lien claimant, SYLWESTER KOZYRA, of 2984 N. Ridgeway, Chicago, Cook County, State of Illinois, hereby files a claim for Mechanics Lien against ANNA RYSZ, JANUSZ KACZOR, KRZYSZTOF REDLINSKI, MARZENA BRZAKALA, and BARTLOMIEJ BRZAKALA, who owned the following described premises:

Lots 12 and 13 in Beck's addition to Logan Square, a subdivision of Lots 1 to 6 in the Subdivision of Lot 4 in Kimbell's Subdivision of the East 1/2 of the South West 1/4 and the West 1/2 of the South East 1/4 of Section 26, Township 40 North, Range 13, East of the Third Principal Meridian, (except 25 acres in the North West corner) in Cook County, Illinois (underlying legal description)

PPIN: 13-26-312-032-0000 (underlying pin#)

Units 3714-1F, 3714-1R, 3716-1F, 3716-1R, 3714-2F, 3714-2R, 3716-2F, 3716-2R, 3714-3F, 3714-3R, 3716-3F, and 3716-3R together with their undivided percentage interests in the common elements in 3714-16 Wrightwood Condominium as delineated and defined in the Declaration recorded as document 0633215036, in the East 1/2 of the South West 1/4 and the West 1/2 of the South East 1/4 of Section 26, Township 40 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

PPINs: 13-26-312-039-1001
 13-26-312-039-1002
 13-26-312-039-1003
 13-26-312-039-1004
 13-26-312-039-1005
 13-26-312-039-1006

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By _____

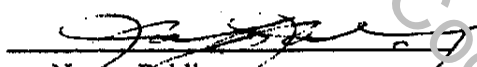
This document was prepared by: John C. Jahrling, 2301 W. Chicago, Chicago, IL 60622
(Name and Address)

Mail to: John C. Jahrling
2301 W. Chicago
Chicago, IL 60622

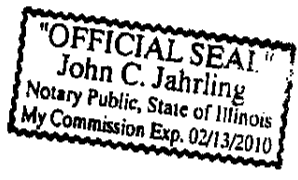
State of Illinois)
) SS.
County Cook)

The affiant, being first duly sworn, on oath deposes and says that he is Sylwester Kozyra of 2984 N. Ridgeway, Chicago, Cook County, Illinois, the lien claimant; that he has read the above and foregoing lien claim; that he has knowledge of the contents thereof, and that the same is true.

Subscribed and sworn to before
me this 17th day of June, 2007.



Notary Public



Property of Cook County Clerk's Office

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0735443041 Page 2 of 3

13-26-312-039-1007
 13-26-312-039-1008
 13-26-312-039-1009
 13-26-312-039-1010
 13-26-312-039-1011
 13-26-312-039-1012

Address(es) of premises: 3714 – 16 W. Wrightwood, Chicago, Illinois 60647

on March 28, 2007, and states:

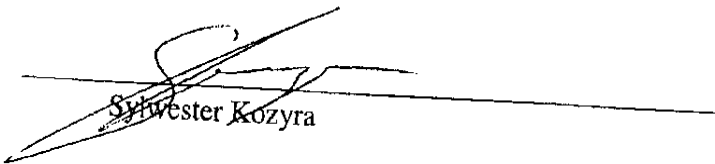
That on or about March 28, 2007, the lien claimant made a contract with the Owners to Remove garbage from the basement of 3416 & 3416 to garage, install subflooring in Units 3716-3F and 3716-3R, remove rafters from Units 3716-3F and 3716-3R and install new rafters, frame Units 3716-3F and 3716-3R, install joists in Unit 3714-3R, install subflooring in the common elements of the 2nd and 3rd floor hallways, frame the hallway in Units 3714-3F and 3714-3R, hoist the the drywall (80 pieces) for installation in the 2nd and 3rd hallways, build and paint a concrete wall at the rear of the building, install wood and granite tiles on the 2nd and 3rd floor baseboard and quarter rounds and paint, install all doors in each unit – 14 entry doors, install window treatments (about 40 blinds), install subflooring in the front entrance, frame and finish as extra room off the entry, patch, prep, and paint the front stairwell, frame Unit 3716-1F, install vinyl windows in each unit (Units 3714-1R, 3714-2R, 3714-3R, 3716-1F, 3716-2F, 3716-3F, 3716-1R, 3716-2R, 3716-3R about 30 windows), install 6 balcony sliding doors in rear units, install joist, level and install subfloor in the basement Units 3716-1F and 3716-1R, demolish garage and remove and install bricks in basement, deliver and install gutters and downspouts, lift drywall to all units and install, reframe tub area after plumbing in Units 3716-2F and 3716-2R, frame kitchens Units 3716-1R, 3716-2R, 3716-3R, dig trench for electrical service from pole to building (50 feet long and 2 feet deep)

for the sum of \$168,490.00

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 Sylwester Kozyra